

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Peter Gernold	Art Unit :	3621
Serial No. :	10/784,848	Examiner :	Chrystina E. Zelaskiewicz
Filed :	February 24, 2004	Conf. No. :	9474
Title :	GENERATING DATA SUBSCRIPTIONS BASED ON APPLICATION DATA		

Mail Stop Appeal Brief - Patents

Commissioner for Patents

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BRIEF ON APPEAL

(1) Real Party in Interest

SAP Aktiengesellschaft (SAP AG), the assignee of this application, is the real party in interest.

(2) Related Appeals and Interferences

Application No. 10/784,196 is related to the present application and is awaiting a decision on appeal from the Board. Application No. 10/784,196 was received from the Technology Center at the Board on May 27, 2009 and has been assigned Appeal No: 2009-01 1047.

(3) Status of Claims

Claims 1-6, 10-15, 19, and 25-31 are currently pending, with claims 1, 10, and 19 being independent. Claims 1-6, 10-15, 19, and 25-31 have been rejected and have been appealed.

(4) Status of Amendments

The claims have not been amended subsequent to the final rejection.

(5) Summary of Claimed Subject Matter

In the discussion below, reference numerals and references to particular portions of the application are inserted for illustrative purposes only and are not meant to limit the scope of the claims.

Independent claim 1 recites a computer program tangibly embodied on computer-readable medium that is programmed to, when executed receive a user input identifying, from among multiple publications, a publication that identifies a type of data to be distributed to data sites. Application at page 3, lines 28 and 29, page 7, lines 20-31, Fig. 2A, ref. no. 220, and Fig. 5, ref. no. 220. The computer program is also programmed to receive a user input identifying a distribution criterion that defines the basis upon which the type of data identified by the publication is to be distributed to the data sites, the distribution criterion comprising a query executable against portions of application data. Application at page 8, line 8 through page 11, line 6, Fig. 2A, ref. no. 230, and Fig. 5, ref. no. 230. The computer program is further programmed to store, as information to be used by a subscription generator for the publication, information associating the publication that identifies the type of data to be distributed with the distribution criterion for use in generating data subscriptions in a network of distributed computer systems operating an application program having application data of various data types. Application at page 11, lines 8-15, Fig. 2A, ref. no. 240, and Fig. 5, ref. no. 240. In addition, the computer program is programmed to access information for the subscription generator including the information associating the publication with the distribution criterion including the query and execute, based on the accessed information for the subscription generator, the query against portions of the application data to generate a list of subscriptions for the publication associated with the subscription generator. Application at page 11, line 27 through page 12, line 13, Fig. 2B, ref. nos. 250 and 260, page 16, line 24 through page 17, line 8, and Fig. 6, ref. nos. 610, 620, and 630. The computer program is programmed to modify, based on generation parameters associated with the subscription generator, the list of subscriptions generated based on execution of the query and generate data subscriptions for the publication associated with the subscription generator based on the modified list of subscriptions. Application at page 17, lines 9-22, Fig. 6, ref. nos. 635 and 640, page 19, lines 24-31, and Fig. 7, ref. nos. 735 and 740. Further, the computer program is programmed to automatically assign data sites to the generated data subscriptions based on the application data and send replication messages that distribute portions of the type of data identified by the publication associated with the subscription generator based on the assignment of data sites to the generated data subscriptions. Application at page 8, lines 3-7, page 14, lines 5-26, page 17, line 17 through

page 18, line 5, Fig. 6, ref. nos. 650 and 660, page 19, line 31 through page 20, line 5, and Fig. 7, ref. nos. 750 and 760.

Independent claim 10 recites a computer-implemented method for receiving information from a user for use in generating data subscriptions that includes using at least one processor to perform operations comprising receiving a user input identifying, from among multiple publications, a publication that identifies a type of data to be distributed to data sites. Application at page 7, lines 20-31, Fig. 2A, ref. no. 220, and Fig. 5, ref. no. 220. The operations also include receiving a user input identifying a distribution criterion that defines the basis upon which the type of data identified by the publication is to be distributed to the data sites, the distribution criterion comprising a query executable against portions of application data. Application at page 8, line 8 through page 11, line 6, Fig. 2A, ref. no. 230, and Fig. 5, ref. no. 230. The operations further include storing, as information to be used by a subscription generator for the publication, information associating the publication that identifies the type of data to be distributed with the distribution criterion for use in generating data subscriptions in a network of distributed computer systems operating an application program having application data of various data types. Application at page 11, lines 8-15, Fig. 2A, ref. no. 240, and Fig. 5, ref. no. 240. In addition, the operations include accessing information for the subscription generator including the information associating the publication with the distribution criterion including the query and executing, based on the accessed information for the subscription generator, the query against portions of the application data to generate a list of subscriptions for the publication associated with the subscription generator. Application at page 11, line 27 through page 12, line 13, Fig. 2B, ref. nos. 250 and 260, page 16, line 24 through page 17, line 8, and Fig. 6, ref. nos. 610, 620, and 630. The operations include modifying, based on generation parameters associated with the subscription generator, the list of subscriptions generated based on execution of the query and generating data subscriptions for the publication associated with the subscription generator based on the modified list of subscriptions. Application at page 17, lines 9-22, Fig. 6, ref. nos. 635 and 640, page 19, lines 24-31, and Fig. 7, ref. nos. 735 and 740. Further, the operations include automatically assigning data sites to the generated data subscriptions based on the application data and sending replication messages that distribute portions of the type of data identified by the publication associated with the subscription

generator based on the assignment of data sites to the generated data subscriptions. Application at page 8, lines 3-7, page 14, lines 5-26, page 17, line 17 through page 18, line 5, Fig. 6, ref. nos. 650 and 660, page 19, line 31 through page 20, line 5, and Fig. 7, ref. nos. 750 and 760.

Independent claim 19 recites a system for receiving information from a user for use in generating data subscriptions, the system includes a processor connected to a storage device and one or more input or output devices. Application at page 3, lines 28 and 29 and page 4, line 22 through page 7, line 16. The processor is programmed to receive a user input identifying, from among multiple publications, a publication that identifies a type of data to be distributed to data sites. Application at page 7, lines 20-31, Fig. 2A, ref. no. 220, and Fig. 5, ref. no. 220. The processor is also programmed to receive a user input identifying a distribution criterion that defines the basis upon which the type of data identified by the publication is to be distributed to the data sites, the distribution criterion comprising a query executable against portions of application data. Application at page 8, line 8 through page 11, line 6, Fig. 2A, ref. no. 230, and Fig. 5, ref. no. 230. The processor is further programmed to store, as information to be used by a subscription generator for the publication, information associating the publication that identifies the type of data to be distributed with the distribution criterion for use in generating data subscriptions in a network of distributed computer systems operating an application program having application data of various data types. Application at page 11, lines 8-15, Fig. 2A, ref. no. 240, and Fig. 5, ref. no. 240. In addition, the processor is programmed to access information for the subscription generator including the information associating the publication with the distribution criterion including the query and execute, based on the accessed information for the subscription generator, the query against portions of the application data to generate a list of subscriptions for the publication associated with the subscription generator. Application at page 11, line 27 through page 12, line 13, Fig. 2B, ref. nos. 250 and 260, page 16, line 24 through page 17, line 8, and Fig. 6, ref. nos. 610, 620, and 630. The processor is programmed to modify, based on generation parameters associated with the subscription generator, the list of subscriptions generated based on execution of the query and generate data subscriptions for the publication associated with the subscription generator based on the modified list of subscriptions. Application at page 17, lines 9-22, Fig. 6, ref. nos. 635 and 640, page 19, lines 24-31, and Fig. 7, ref. nos. 735 and 740. Further, the processor is programmed to automatically assign data sites to

the generated data subscriptions based on the application data and send replication messages that distribute portions of the type of data identified by the publication associated with the subscription generator based on the assignment of data sites to the generated data subscriptions. Application at page 8, lines 3-7, page 14, lines 5-26, page 17, line 17 through page 18, line 5, Fig. 6, ref. nos. 650 and 660, page 19, line 31 through page 20, line 5, and Fig. 7, ref. nos. 750 and 760.

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 1-6, 10-15, 19, and 25-31 have been rejected under 35 U.S.C. § 103 as being unpatentable over Bracho (U.S. Patent No. 5,870,605) in view of Blankesteyn (U.S. Publication No. 2002/0165724).

Claims 1, 10, and 19 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7, and 15 of copending Application No. 10/784,196.

(7) Argument

Claims 1-6, 10-15, 19, and 25-31 have been rejected under 35 U.S.C. § 103 as being unpatentable over Bracho (U.S. Patent No. 5,870,605) in view of Blankesteyn (U.S. Publication No. 2002/0165724). Appellant requests reversal of this rejection because each of Bracho, Blankesteyn, and the proposed combination fails to describe or suggest all of the features of independent claims 1, 10, and 19, as discussed below.

Independent Claims 1, 10, and 19

The rejection of independent claim 1 should be reversed because Bracho and Blankesteyn, either singly or in combination, fail to describe or suggest modifying, based on generation parameters associated with a subscription generator, a list of subscriptions generated based on execution of a query against portions of application data, as recited in claim 1.

Specifically, the final Office Action of June 22, 2009 indicates that Bracho does not disclose the feature of “modify ... query.” Office Action of June 22, 2009 at page 3. The final Office Action relies on Blankesteyn for this feature. Blankesteyn, however, fails to describe or

suggest modifying, based on generation parameters associated with a subscription generator, a list of subscriptions generated based on execution of a query against portions of application data.

In particular, Blankesteijn describes a system that propagates data changes from a data change source to a data change destination via a replication mechanism. Blankesteijn at Abstract. In the Blankesteijn system, a data change includes “creation, update, deletion or any other modification act performed upon an entity in a database.” Blankesteijn at paragraph [0055]. To improve processing speeds, the Blankesteijn system filters out irrelevant data changes and collects and bundles data changes into data change objects prior to propagation. Blankesteijn at paragraphs [0017], [0018], and [0071]. Although the Blankesteijn system propagates data changes and formats the propagated data changes into data change objects, the Blankesteijn system does not modify, based on generation parameters associated with a subscription generator, a list of subscriptions generated based on execution of a query against portions of application data. Rather, the data change objects in the Blankesteijn system define what data to propagate to data change destinations, not which data change destinations receive data changes. As such, in propagating database changes, the Blankesteijn system has a set list of data change destinations, which is not modified.

Moreover, the Advisory Action of October 1, 2009 has changed course from the final Office Action in addressing this feature and now refers to Fig. 6 and paragraph [0211] of Blankesteijn. Specifically, the Advisory Action indicates “store ID stores a value that identifies a store entity to which the server should transfer resulting net changes.” Advisory Action of October 1, 2009 at page 2. Although this portion of Blankesteijn describes a data record with a Store ID field that identifies a store entity to which a server should transfer net data changes, this portion of Blankesteijn does not describe or suggest modifying, based on generation parameters associated with a subscription generator, a list of subscriptions generated based on execution of a query against portions of application data. Rather, this portion of Blankesteijn describes that data changes are transferred to a single store identified by a set store identifier without any description of any modification of a list of stores that receive data changes.

Therefore, each of Bracho, Blankesteijn, and the proposed combination, fails to describe or suggest modifying, based on generation parameters associated with a subscription generator, a

list of subscriptions generated based on execution of a query against portions of application data, as recited in independent claim 1.

For at least the reasons discussed above, Appellant submits that the final Office Action fails to establish a *prima facie* case of obviousness. Therefore, Appellant respectfully requests reversal of the rejection of independent claim 1 and its dependent claims.

Independent claims 10 and 19, although different in scope from claim 1 and each other, recite features similar to those in claim 1 discussed above. Accordingly, for at least the reasons discussed above with respect to claim 1, Appellant requests reversal of the rejection of claims 10 and 19 and their dependent claims.

Dependent Claims 27 and 30

With respect to dependent claims 27 and 30, Appellant requests reversal of the rejection of claims 27 and 30 at least for the reason of their dependency on independent claim 1. In addition, Appellant requests reversal of the rejection of claims 27 and 30 because Bracho and Blankesteijn, either singly or in combination, fail to describe or suggest the additional subject matter recited in dependent claims 27 and 30.

Dependent Claim 27

With respect to dependent claim 27, the final Office Action refers to paragraph [0135] of Blankesteijn for the features of removing at least one employee to exclude in generating subscriptions for a publication from a list of subscriptions generated based on execution of a query and adding at least one employee to include in generating subscriptions for the publication to the list of subscriptions generated based on execution of the query. This portion of Blankesteijn describes filtering data change objects. Filtering data change objects, however, relates to what (if any) data to propagate in a data change object, which is not removing or adding an employee to a list of subscriptions generated based on execution of a query. Moreover, because filtering involves removing or limiting data, this portion of Blankesteijn necessarily cannot describe or suggest adding at least one employee to a list of subscriptions generated based on execution of a query.

In addition, the Advisory Action of October 1, 2009 provides additional reference to paragraphs [0042], [0061], and [0123] to [0131] of Blankesteijn with respect to claim 27 and

indicates that “data object can be an employee, data change can insert/update/delete said object, net change on data object and execution of said change.” Advisory Action of October 1, 2009 at page 2. Although a data object may relate to an employee and may be processed, the additional paragraphs referenced in the Advisory Action focus on what data is included in a data change object, not which employees are included in or excluded from a list of people that receive the data change object.

Thus, Blankesteijn fails to describe or suggest removing at least one employee to exclude in generating subscriptions for a publication from a list of subscriptions generated based on execution of a query and adding at least one employee to include in generating subscriptions for the publication to the list of subscriptions generated based on execution of the query, as recited in claim 27. Accordingly, Appellant requests reversal of the rejection of claim 27 for at least these additional reasons.

Dependent Claim 30

With respect to dependent claim 30, the final Office Action refers to paragraphs [0267] to [0269] of Blankesteijn for the feature of identifying a subset of multiple subscription generators to be run based on a determination of whether each of the multiple subscription generators is to be run. This portion of Blankesteijn describes that multiple stores may be included in a subscription and that particular stores may be added or removed from the subscription. Adding and removing stores from a subscription, however, does not include identifying a subset of multiple subscription generators to be run based on a determination of whether each of the multiple subscription generators is to be run. Rather, the addition and removal of stores in Blankesteijn relate to an identification of which stores to include in a subscription, not an identification of which generators to run in generating a list of subscriptions.

In addition, the Advisory Action of October 1, 2009 provides additional reference to paragraphs [0223] and [0238] of Blankesteijn with respect to claim 30 and indicates that “subset of data to stores, identifying which specific store(s) receives a particular subscription ID.” Advisory Action of October 1, 2009 at page 2. Although data changes may be sent to a subset of stores, identification of a subset of stores does not describe or suggest identification of a subset of multiple subscription generators to be run based on a determination of whether each of the multiple subscription generators is to be run. Rather, identification of the subset of stores is

merely identification of the list of subscriptions, not an identification of a subset subscription generators that are run to generate the list of subscriptions.

Thus, Blankestijn fails to describe or suggest identifying a subset of multiple subscription generators to be run based on a determination of whether each of the multiple subscription generators is to be run, as recited in claim 30. Accordingly, Appellant requests reversal of the rejection of claim 30 for at least these additional reasons.

Double Patenting Rejection

Claims 1, 10, and 19 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7, and 15 of copending Application No. 10/784,196. Without conceding obviousness, Appellant respectfully requests that this provisional rejection be held in abeyance until the claims of both this application and those in Application No. 10/784,196 are otherwise held to be allowable.

Conclusion and Relief

Accordingly, for the foregoing reasons, the Appellant requests reversal of the pending rejections of claims 1-6, 10-15, 19, and 25-31. In accordance with Appellant's Notice of Appeal filed October 20, 2009, Appellant submits this Appeal Brief.

The fee in the amount of \$540.00 in payment of the brief fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: December 18, 2009

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Appendix of Claims

1. (Previously Presented) A computer program tangibly embodied on computer-readable medium that is programmed to, when executed:

receive a user input identifying, from among multiple publications, a publication that identifies a type of data to be distributed to data sites;

receive a user input identifying a distribution criterion that defines the basis upon which the type of data identified by the publication is to be distributed to the data sites, the distribution criterion comprising a query executable against portions of application data;

store, as information to be used by a subscription generator for the publication, information associating the publication that identifies the type of data to be distributed with the distribution criterion for use in generating data subscriptions in a network of distributed computer systems operating an application program having application data of various data types;

access information for the subscription generator including the information associating the publication with the distribution criterion including the query;

execute, based on the accessed information for the subscription generator, the query against portions of the application data to generate a list of subscriptions for the publication associated with the subscription generator;

modify, based on generation parameters associated with the subscription generator, the list of subscriptions generated based on execution of the query;

generate data subscriptions for the publication associated with the subscription generator based on the modified list of subscriptions;

automatically assign data sites to the generated data subscriptions based on the application data; and

send replication messages that distribute portions of the type of data identified by the publication associated with the subscription generator based on the assignment of data sites to the generated data subscriptions.

2. (Previously Presented) The medium of claim 1 wherein the type of data to be distributed to data sites comprises a business object type.

3. (Previously Presented) The medium of claim 1 wherein the type of data to be distributed to data sites comprises a publication.

4. (Previously Presented) The medium of claim 1 wherein the distribution criterion comprises an attribute of the type of data to be distributed.

5. (Previously Presented) The medium of claim 1 wherein the distribution criterion comprises a distribution criterion based on a relationship of data with an employee that uses a data site.

6. (Previously Presented) The medium of claim 1 wherein the distribution criterion comprises a distribution criterion based on a responsibility of an employee that uses a data site.

7-9. (Cancelled)

10. (Previously Presented) A computer-implemented method for receiving information from a user for use in generating data subscriptions, the method comprising:

using at least one processor to perform operations comprising:

receiving a user input identifying, from among multiple publications, a publication that identifies a type of data to be distributed to data sites;

receiving a user input identifying a distribution criterion that defines the basis upon which the type of data identified by the publication is to be distributed to the data sites, the distribution criterion comprising a query executable against portions of application data;

storing, as information to be used by a subscription generator for the publication, information associating the publication that identifies the type of data to be distributed with the distribution criterion for use in generating data subscriptions in a network of distributed computer systems operating an application program having application data of various data types;

accessing information for the subscription generator including the information associating the publication with the distribution criterion including the query;

executing, based on the accessed information for the subscription generator, the query against portions of the application data to generate a list of subscriptions for the publication associated with the subscription generator;

modifying, based on generation parameters associated with the subscription generator, the list of subscriptions generated based on execution of the query;

generating data subscriptions for the publication associated with the subscription generator based on the modified list of subscriptions;

automatically assigning data sites to the generated data subscriptions based on the application data; and

sending replication messages that distribute portions of the type of data identified by the publication associated with the subscription generator based on the assignment of data sites to the generated data subscriptions.

11. (Original) The method of claim 10 wherein the type of data to be distributed to data sites comprises a business object type.

12. (Original) The method of claim 10 wherein the type of data to be distributed to data sites comprises a publication.

13. (Original) The method of claim 10 wherein the distribution criterion comprises an attribute of the type of data to be distributed.

14. (Original) The method of claim 10 wherein the distribution criterion comprises a distribution criterion based on a relationship of data with an employee that uses a data site.

15. (Original) The method of claim 10 wherein the distribution criterion comprises a distribution criterion based on a responsibility of an employee that uses a data site.

16-18. (Cancelled)

19. (Previously Presented) A system for receiving information from a user for use in generating data subscriptions, the system comprising a processor connected to a storage device and one or more input or output devices, wherein the processor is programmed to:

receive a user input identifying, from among multiple publications, a publication that identifies a type of data to be distributed to data sites;

receive a user input identifying a distribution criterion that defines the basis upon which the type of data identified by the publication is to be distributed to the data sites, the distribution criterion comprising a query executable against portions of application data;

store, as information to be used by a subscription generator for the publication, information associating the publication that identifies the type of data to be distributed with the distribution criterion for use in generating data subscriptions in a network of distributed computer systems operating an application program having application data of various data types;

access information for the subscription generator including the information associating the publication with the distribution criterion including the query;

execute, based on the accessed information for the subscription generator, the query against portions of the application data to generate a list of subscriptions for the publication associated with the subscription generator;

modify, based on generation parameters associated with the subscription generator, the list of subscriptions generated based on execution of the query;

generate data subscriptions for the publication associated with the subscription generator based on the modified list of subscriptions;

automatically assign data sites to the generated data subscriptions based on the application data; and

send replication messages that distribute portions of the type of data identified by the publication associated with the subscription generator based on the assignment of data sites to the generated data subscriptions.

20-24. (Cancelled)

25. (Previously Presented) The method of claim 10 wherein:

receiving a user input identifying a distribution criterion that defines the basis upon which the type of data is to be distributed to the data sites further comprises receiving user input identifying multiple criteria attributes that are linked for purposes of generating data subscriptions; and

executing the query against portions of the application data further comprises:

identifying attribute values of each of the multiple criteria attributes for the type of data to be distributed to data sites; and

executing a query against portions of the application data to identify at least one result that matches all of the identified attribute values of each of the multiple criteria attributes for the type of data to be distributed to data sites.

26. (Previously Presented) The method of claim 10 wherein:

the distribution criterion further comprises data defining relationships between database tables that store the application data; and

automatically assigning data sites to the generated data subscriptions based on the application data further comprises traversing, using the data defining relationships between database tables that store the application data, multiple database table structures to identify the data sites to which the type of data is to be distributed.

27. (Previously Presented) The method of claim 10 wherein modifying, based on generation parameters associated with the subscription generator, the list of subscriptions generated based on execution of the query comprises:

accessing at least one generation parameter that indicates at least one employee to exclude in generating subscriptions for the publication;

accessing at least one generation parameter that indicates at least one employee to include in generating subscriptions for the publication; and

ignoring the distribution criterion by:

removing the at least one employee to exclude in generating subscriptions for the publication from the list of subscriptions generated based on execution of the query, and adding the at least one employee to include in generating subscriptions for the publication to the list of subscriptions generated based on execution of the query.

28. (Previously Presented) The method of claim 10 wherein automatically assigning data sites to the generated data subscriptions based on the application data comprises:

accessing a generation parameter that indicates whether or not data sites should be generated when necessary; and

when the generation parameter that indicates that data sites should be generated when necessary, creating a data site and assigning the created data site to an employee that is included in the modified list of subscriptions and for which a data site has not been previously created.

29. (Previously Presented) The method of claim 10 further comprising performing a reorganization process to ensure that assignments, data sites, and subscriptions that are no longer needed are deleted, the reorganization process including:

deleting a subscription and corresponding assignments for the subscription that were generated during a first run of the subscription generator when a second run of the subscription generator indicates that the subscription and corresponding assignments for the subscription are no longer needed, the first run of the subscription generator occurring prior to the second run of the subscription generator; and

triggering a replication process to distribute data to data sites as indicated by subscriptions.

30. (Previously Presented) The method of claim 10 wherein:

accessing information for the subscription generator including the information associating the publication with the distribution criterion including the query comprises accessing information for multiple subscription generators;

executing, based on the accessed information for the subscription generator, the query against portions of the application data to generate a list of subscriptions for the publication associated with the subscription generator comprises:

- determining whether each of the multiple subscription generators is to be run;
- identifying a subset of the multiple subscription generators to be run based on the determination of whether each of the multiple subscription generators is to be run; and
- generating a list of subscriptions for the publication by applying calculation logic to the application data for each subscription generator included in the subset of the multiple subscription generators.

31. (Previously Presented) The method of claim 30 further comprising:
merging responsibility information for each subscription generator included in the subset of the multiple subscription generators to eliminate redundant subscriptions from the list of subscriptions for the publication generated by applying calculation logic to the application data for each subscription generator included in the subset of the multiple subscription generators;
and

after the list of subscriptions has been generated, deactivating at least one subscription generator included in the subset of the multiple subscription generators.

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Evidence Appendix

NONE.

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Related Proceedings Appendix

NONE.